



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/231,714 01/15/99 PATTERSON

P 09939/003001

EXAMINER

TM02/1002

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601 THIRTEENTH
WASHINGTON

KANG
ART UNIT

PAPER NUMBER

2152
DATE MAILED:

10/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/231,714

Applicant(s)

PATTERSON

Examiner

Paul H Kang

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 6) ☐ Other: _____

1. The drawings are objected to because of the informalities noted in the attached form PTO-948. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objections to the drawings will not be held in abeyance.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 10 recites the limitation "the script" in 1. There is insufficient antecedent basis for this limitation in the claim. In order to advance prosecution of this patent application, claim 10 will be interpreted to depend on independent claim 9, the only claim which claims the limitation "a script."

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis, US Pat. No. 6,205,485 in view of Powell, US Pat. No. 6,067,526.

5. As to claims 1-6, 2, 20, 21 and 22, Kikinis teaches the invention substantially as claimed. Kikinis teaches a method of delivering electronic content (abstract), comprising:

providing instructions that cause a first computer to query and collect information, and transmit the collected information to a second computer, the instruction comprising selecting a URL (Kikinis, col. 2, line 15 – col. 3, line 15); and

processing the transmitted information at the second computer and selecting electronic content for transmission and transmitting the selected electronic content (Kikinis, col. 2, line 15 – col. 3, line 15).

However, Kikinis does not explicitly teach that the collected information is an e-mail address and the selected electronic content is transmitted to the e-mail address, and wherein the instructions comprise web page form instructions. In the same field of endeavor, Powell teaches a system for distributing electronic data through a computer network, wherein the user requests data on a web browser, inputs email address and other information into a web page form, and receives the requested electronic content via e-mail (Powell, col. 1, line 55 – col. 6, line 21). It

would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the method of utilizing email communications as taught by Powell into the system of Kikinis for the purpose of improving the rate and security of the data transfer.

6. As to claims 7 and 8, Kikinis-Powell teach providing demographic and system information (Powell, col. 10, lines 5-34).

7. As to claims 9-11, Kikinis-Powell teach processing the information comprising executing a CGI script (Powell, col. 7, line 15 – col. 8, line 44).

8. As to claim 12-16, Kikinis-Powell teach a system wherein the electronic content comprises text, graphics, video, audio, or executable instructions (Powell, col. 9, line 7 – col. 10, line 51 and col. 13, line 5 – col. 14, line 33, and Kikinis, col. 3, line 31 – col. 5, line 39).

9. As to claims 17-19, Kikinis-Powell teach a system wherein the information comprises selecting electronic content based on the transmitted information, and further comprising identification of the instructions and the computer that transmitted the information (Kikinis, col. 3, line 31 – col. 5, line 39).

10. As to claim 23, Kikinis-Powell teach a system wherein the instructions that cause the processor to select electronic content comprise instructions that cause the processor to use a table that indicates electronic content corresponding to data included in the received information


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(Powell, col. 16, lines 22-62).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9731 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Paul H Kang
Examiner
Art Unit 2152

September 28, 2001

MEHMET B. GECKIL
PRIMARY EXAMINER

